

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.3779 of 2007

Dated: March 22, 2007

Between:

Chaitra Pamireddy, D/o. P. Vivekananda Reddy,
Aged about 12 years, Occ: Student, rep. by her
Mother/natural guardian Smt. P. Lakshmi Kantha
Kumari, W/o. P. Vivekananda Reddy, aged about
37 years, Occ: Housewife, R/o. P/225, Pylon Colony,
Nagarjuna Sagar, Nalgonda.

... Petitioner

And

Government of Andhra Pradesh, Edn. (SE)
Department, rep. by its Secretary, Secretariat,
Secretariat Buildings, Tank Bund, Hyderabad,
And others.

... Respondents

Order:

Petitioner, a student aged about 12 years, represented by her mother, has filed this Writ Petition questioning the action of respondents in rejecting the representation of the Headmaster of the sixth respondent school to accord permission to her to appear for S.S.C. examinations which are scheduled in March, 2007, by Memo No.18080/Exams/2006 dated 29-01-2007, by condoning the

delay of about three years and three months.

2. Heard learned counsel for the petitioner and learned Government Pleader for School Education appearing for respondents.

3. Petitioner, a student of Anu Residential School, Pylon Colony, Nagarjuna Sagar - the sixth respondent herein - has stated in the affidavit filed in support of the petition that she had completed her primary education in Kolkata and was admitted in 5th class in the aforesaid school in the academic year 2002-03. It is stated that she has appeared for 7th class public examinations in the year 2005 and passed the same. Even at that time, the Head Master of the aforesaid school had recommended her candidature for appearing for 7th class examinations to the District Educational Officer on 29-11-2004 by condoning the age of the petitioner as her date of birth is 26-11-1995. The case of the petitioner is that on the ground that she is extremely intelligent, after completing her 8th class, she was promoted directly to 10th class and as such she has attended classes of 10th class in the academic year 2006-07. When the petitioner approached the school to submit the application for writing 10th class examinations, the Head Master of that school has sent proposals to the department concerned for relaxation of age of the petitioner by 39 months, to appear for S.S.C. 2007 examinations. The grievance of the petitioner is that without considering the said proposals in proper perspective, the Government has rejected the same by the impugned order and further declared that the Head

Master of the sixth respondent school is unfit to hold the post of Head Master. A further request was made to the Director of Government to take action accordingly.

4. It is submitted by the learned counsel for the petitioner that when there was age restriction for the petitioner to appear for 7th class, the District Educational Officer concerned has recommended the case of the petitioner for relaxation of age and basing on the same, she was allowed to appear for 7th class examinations in 2005. It is further submitted that as the petitioner was found to be extremely intelligent, she was directly promoted to 10th class in the academic year 2006-07 and as such, respondents ought to have considered the case of the petitioner for relaxation of age for appearing in S.S.C. examinations.

5. Respondents 1, 2 and 4 filed counter affidavit opposing the request of the petitioner. It is stated that even to appear for 7th class, there are age restrictions, which say that unless one completes 11 years of age as on 31st August of an academic year, he/she is not eligible to appear for 7th class common examinations and the age of the petitioner was not condoned for appearing in 7th class examinations. It is stated that shortage of age of the petitioner was not exempted by the competent authority. It is further stated that if the claim of the petitioner that she has passed 7th class in 2005, is taken into consideration, she was supposed to be in 8th class during the academic year 2005-06, 9th class in 2006-07 and 10th class in

2007-08. However, she was illegally permitted to appear for classes of 10th standard during the academic year 2006-07.

6. It is to be seen that age restrictions are stipulated under the academic regulations for allowing the students for appearing in the examinations of different classes. The sole object of fixing such age restrictions is that the students of these ages will have physical and mental ability to meet the standards notified. In the case on hand, though the petitioner wrote the examinations of 7th class in 2005, there was no condonation of her age by any competent authority. She was allowed to complete 7th class only basing on the recommendations of the District Educational Officer. Even according to the petitioner, she had passed 7th class in 2005 and thereafter studied 8th class, but it is not known on what basis she was allowed to sit for classes of 10th standard straightaway. If the claim of the petitioner that she had completed 7th class by the year 2005 is taken into consideration, petitioner would have been in 8th class in 2005-06, 9th class in 2006-07 and 10th class in 2007-08. Though it is stated that petitioner was permitted to attend classes of 10th standard as she was an intelligent student, no material whatsoever has been placed before this court that has empowered the sixth respondent school to grant promotion directly to 10th class from 8th class. There is also no order passed by the competent authority permitting the petitioner straightaway for attending 10th class. When petitioner has studied regular course, by attending regular school, permission should

have been given to her to attend one class after the other, like any other student. In the absence of any material permitting the petitioner to attend the classes of 10th standard, she is not eligible to write the examinations of 10th standard. It is also to be noted that petitioner is only 12 years of age at this point of time and even when the petitioner was allowed to write examinations of 7th class, no relaxation of age by the competent authority was granted and it is stated that merely on the recommendations of District Educational Officer, the petitioner wrote the said examination. Further, it is stated that no valid permission was granted for promotion of the petitioner directly to 10th class from 8th class and the same was not authorized. Therefore, in the absence of any valid permission or relaxation of age, and having regard to the date of birth of the petitioner and the Memo No.17120/Ecams/2004/Education SE Exams, dated 08-06-2006, wherein it is stated that Government has taken a policy decision not to consider age relaxation beyond 2 years and the authorities concerned shall not entertain such cases, no direction as sought for can be given. But, at the same time, merely because the Head Master of the sixth respondent school, where the petitioner has studied, has forwarded proposals for condonation of age, no declaration can be made that he is unfit to hold the said post. The fact remains that he has only forwarded proposals but he did not pass any orders for exemption. While I see no reason to interfere with the order rejecting the proposal of the Head Master to condone the age of 3 years and 3 months for the petitioner to appear for S.S.C. examinations, I am inclined to set aside

paragraphs 2 and 3 of the impugned order, informing the Director of the Government Examinations, that the Head Master of the sixth respondent school is unfit to hold that post and requesting to take action accordingly. Accordingly paragraphs 2 and 3 of the impugned order are set aside.

7. The Writ Petition is allowed to the extent indicated above.
No order as to costs.

JUSTICE R. SUBHASH REDDY.

March 22, 2007

MRR